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# Fact Sheet: Intellectual Property

**"The issue of patents for new discoveries has given a spring to invention beyond my conception."  
President Thomas Jefferson**

The free-market system gives American inventors the incentive to innovate. That is why America has always been a leader in technology. U.S. intellectual property laws protect that incentive.

## **The Founding Fathers specifically protected intellectual property in the U.S. Constitution.**

*Article I Section 8 Clause 8 says Congress has the power "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."*



The only reference to one of our "rights" in the text of the Constitution itself (not Amendments) is  
**← Article 1, Section 8.**

## **First-to-Invent vs. First-to-File**

America used to have a first-to-invent system, which meant patents went to the first to invent something. In 2011, the so-called "America Invents Act" switched America to a first-to-file system, meaning that a patent goes to the first person to file for the patent with the U.S. Patent and Trademark Office.

First-to-file systems favor big business because large corporations have money to file lots of paperwork with the government before an invention is perfected. First-to-invent systems favor independent American inventors who have to ensure the invention is workable before spending their limited resources to have a patent filed.

**Countries like China cheat us on trade when they don't respect our intellectual property. President Trump's tariffs put pressure on them to change their ways.**

**"America is the most prosperous nation in the world, and the biggest single reason for this is our unique patent system that protects the rights of inventors." Phyllis Schlafly**